

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-19 are pending. Claims 1 and 11, which are independent, are hereby amended. No new matter has been introduced. Support for this amendment can be found throughout the Specification as originally filed and specifically on pages 34-35. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 1-19 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 20-37 of Application No. 10/824,985. Applicants submit herewith a terminal disclaimer, thereby obviating the double patenting rejection.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-5, 8-14 and 17-19 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 4,829,569 to Seth-Smith, et al. (hereinafter, merely "Seth-Smith") U.S. Patent No. 5,987,518 to Gotwald (hereinafter, merely "Gotwald").

Claims 6, 7, 15 and 16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Seth-Smith in view of Gotwald and further in view of U.S. Patent No. 5,602,917 to Mueller (hereinafter, merely "Mueller").

Claim 1 recites, *inter alia*:

"A data transmission controlling method...comprising:

**requesting for said restrictive data transmission control information by said receiving means when a new data receiving means is added to said communication channels, where said data receiving means having been put out of service and recovered from a failure rejoins said communication channels or when said data receiving means has failed to receive said restrictive data transmission control information;**"  
(Emphasis added)

As understood by Applicant, Seth-Smith relates to a subscription television system in which individual decoders are enabled to receive individually addressed messages. The composite signal, including video and teletext, also comprises addressed packets, which are detected by decoders and which indicate that a message addressed to a particular subscriber is forthcoming, and system control data. The decoder detects an addressed packet addressed to itself, whereby it is enabled to select the appropriate teletext message and to display the same. The addressed packet is decrypted using a decoder-specific code and a system key transmitted as part of the system control data, while the teletext packet is decrypted using the system key, but cannot be received until the addressed packet has been decrypted.

As understood by Applicant, Gotwald relates to communicating computer data provided according to a first data protocol (e.g., the Internet protocol) over a digital television broadcast network which uses a second data protocol (e.g., MPEG2) to carry a plurality of data streams.

Applicant submits that Seth-Smith and Gotwald do not teach or suggest the above identified features of claim 1. Specifically, Seth-Smith and Gotwald do not teach or suggest a data transmission controlling method comprising requesting for said restrictive data transmission control information by said receiving means when a new data receiving means is added to said communication channels, where said data receiving means having been put out of service and recovered from a failure rejoins said communication channels or when said data receiving means has failed to receive said restrictive data transmission control information, as recited in independent claim 1.

Further, Mueller fails to cure the deficiencies of Seth-Smith and Gotwald.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claim 11 is also believed to be patentable.

### **III. DEPENDENT CLAIMS**

The other claims in this application are each dependent on an independent claim discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the

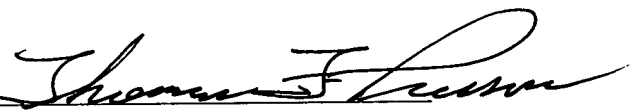
Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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